

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:18-cr-00151

MUHAMMED SAMER NASHER-  
ALNEAM, M.D.

**MEMORANDUM OPINION AND ORDER**

On January 30, 2019, the defendant, Muhammed Samer Nasher-Alneam, M.D., appeared in person and by counsel, Michael Hissam and Isaac Forman and the United States appeared by C. Haley Bunn and Jennifer Rada Herrald, Assistant United States Attorneys, for a pre-trial motions hearing in the above criminal matter.

Before the court is the government's Motion in Limine to Preclude Defendant from Misrepresenting the Law Regarding Counts Fifteen and Sixteen of the Second Superseding Indictment (ECF No. 65).

This motion seeks to preclude misrepresentation of the law with regard to the violation of 21 U.S.C. §§ 841 (a)(1) and (b)(1)(C) (distribution of Schedule II controlled substances resulting in death) charged in Counts Fifteen and Sixteen of the Second Superseding Indictment. See ECF No. 53.

During a pre-trial hearing on the matter, the defendants represented that they will not seek to mispresent the law surrounding the charged counts. Based upon counsel's

representation and the court's ability to preclude such misrepresentation should it occur at trial and the court's obligation to instruct the jury on the law, this motion is **DENIED** as moot.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 1st day of February, 2019.

**ENTER:**

A handwritten signature in dark ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge